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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DANIEL RICHISON,	)	CASE NO. C07-1196-MAT
	)	
Plaintiff,	)	
	)	
v.	)	ORDER RE: PROPOSED
	)	STIPULATED PROTECTIVE ORDER
INTERSTATE BRANDS CORPORATION,	)	
	)	
Defendant.	)	
_____	)	

The Court declines to sign the proposed stipulated protective order (Dkt. 14) as submitted. The Court will not sign stipulated protective orders to authorize documents to be filed under seal simply based on the fact that they were marked by the parties as confidential in the course of discovery. "There is a strong presumption of public access to the court's files and records which may be overcome only on a compelling showing that the public's right of access is outweighed by the interests of the public and the parties in protecting files, records, or documents from public review." Local Rule CR 5(g)(1).

In this case, the parties did identify three categories of information which the Court finds

01 would warrant the filing of a document under seal: (1) plaintiff Daniel Richison’s medical records;  
02 (2) personnel records of any employee or former employee of defendant; and (3) defendant’s  
03 records containing trade secret information. However, general references to “proprietary”  
04 information and “any information subject to a legally protected right of privacy[]” does not  
05 support a compelling showing that the public and the parties’ interests in protecting such  
06 documents from public review outweigh the public’s right of access.

07       Accordingly, for any documents outside of the three specific categories outlined above,  
08 parties seeking an order to seal any documents must provide a specific description of particular  
09 documents or categories of documents they seek to protect and “*a clear statement of the facts*  
10 justifying a seal and overcoming the strong presumption in favor of public access.” Local Rule  
11 CR 5(g)(2) (emphasis added). The facts supporting any motion to seal must be provided by  
12 declaration or affidavit. To obtain a court order sealing documents attached to a non-dispositive  
13 motion, the parties must make a particularized showing under the “good cause” standard of FED.  
14 R. Civ. P. 26(c). *See Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir.  
15 2006). To obtain a court order sealing documents attached to a dispositive motion, such as a  
16 summary judgment motion, the parties must meet a “compelling reasons” standard and not the  
17 lesser “good cause” standard. *Id.* at 1177-79; *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d  
18 1122, 1136 (9th Cir. 2003).

19       The parties may agree on confidentiality among themselves, but when they ask that the  
20 Court be involved, they must make the requisite showing. The stipulated protective order received  
21 by the Court will remain on the docket, but will not be signed and entered by the Court in its  
22 present form.

01 The Clerk is directed to send a copy of this Order to all counsel of record.

02 DATED this 28th day of September, 2007.

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04 Mary Alice Theiler  
05 United States Magistrate Judge

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